IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4419 OF 2004

Kishore Balwant Jarag & Ors. ...Petitioners

Versus

Smt. Pravina Gujar @ Shah & Ors. ...Respondents

.....

Ms. Madhavi Tavanandi, counsel for Petitioners

Mr. A.B. Borkar, counsel for Respondent No.3.

Mr. M.S. Topkar, counsel for Respondent No.5.

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CORAM: B. H. MARLAPALLE, J.

DATED: 18TH MARCH, 2005

P. C.:-

1. Heard Ms. Tavanandi, the learned counsel for the petitioners.

2. In Regular Darkhast No. 326 of 2001, an application at Exh.25 came to be filed for bringing on record the Legal Representatives of the respondent No.2 and the said application was opposed by the present petitioners. However, by his order dated 20.2.2004 the learned C.J.J.D. at Kolhapur was pleased to allow the application and hence, this petition.

3. The applicants had very fairly stated in the

application at Exh.25 that they got the knowledge regarding the demise of respondent No.2 in Regular Darkhast No.326 of 2001 on 7.7.2001 through the report submitted by the bailiff and therefore, the application was in time. Both the parties were heard and the learned Judge of the Executing Court allowed the application. There is no error committed by the Court below in allowing this application.

4. The learned counsel raised several issues but this petition can be considered only in respect of the challenge to the order dated 20.2.2004. For redressal of the other issues as raised by the learned counsel, the remedy may be somewhere else.

5. The petition is therefore, rejected summarily.

6. Ad interim relief, if any, stands vacated.

7. Writ to go forthwith.